

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE CBS BROADCASTING INC., :
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Non-party Movant :
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Miscellaneous Case No. 20-mc-739

Underlying Litigation:

In re Watts Coordinated Pretrial

Proceedings

Case No. 19-cv-1717

United District Court for the Northern

District of Illinois

**DECLARATION OF JAY WARD BROWN
IN SUPPORT OF THE MOTION TO QUASH SUBPOENA**

I, Jay Ward Brown, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner in the law firm Ballard Spahr LLP and counsel for CBS Broadcasting Inc. (“CBS News”), in the above-captioned matter. I submit this declaration in support of the motion to quash filed by CBS News, a non-party. I have personal knowledge of the facts set forth below, and if called to testify, I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of the subpoena issued to CBS News on or about November 5, 2020 by Anthony E. Zecchin, Esq., an attorney representing the individual police officer defendants in the above-captioned matter.

3. Annexed hereto as Exhibit 2 is a placeholder for “Chicago PD: Breaking the Code of Silence,” which aired on or about May 24, 2019, as episode 1 of season 2 of the *48 Hours* special documentary series “Whistleblower.” “Whistleblower” is hosted by attorney, former

judge, and former police officer Alex Ferrer and recounts events surrounding illegal or unethical conduct by people, corporations, government, and other institutions, and the persons who expose that wrongdoing. A physical copy of the episode is being delivered to the Court. The episode is also available at

https://www.cbs.com/shows/whistleblower/video/W2MHkdu9RISBf_eaQK5f9I_CpyDoIEzy/whistleblower-chicago-pd-breaking-the-code-of-silence/.


4. Attached hereto as Exhibit 3 is a compilation of the true and correct copies of the four-part investigative series Code of Silence, by Jamie Kalven, about the Chicago Police Department and former Chicago police officer and whistleblower Shannon Spalding. The articles were published by the news website The Intercept on or about October 6, 2016 and are also available at <https://theintercept.com/series/code-of-silence/>.

5. Attached hereto as Exhibit 4 is a true and correct copy of the online version of “Framed,” an article by Jennifer Gonnerman about the wrongful arrests perpetrated by Chicago Police Department Sergeant Ronald Watts. The article was published by The New Yorker in its May 28, 2018 issue and is also available at <https://www.newyorker.com/magazine/2018/05/28/how-one-womans-fight-to-save-her-family-helped-lead-to-a-mass-exoneration>.

6. Attached hereto as Exhibit 5 is a true and correct copy of the the article “Chicago Mayor Rahm Emanuel’s ‘Code Of Silence’ Speech Still Burdens City Attorneys,” published by WBEZ/NPR on or about January 30, 2017, and also available at <https://www.wbez.org/stories/chicago-mayor-rahm-emanuels-code-of-silence-speech-still-burdens-city-attorneys/67aecfdb-5241-45fa-bd3d-14bfc19a0a30>.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

DATED: December 11, 2020

A handwritten signature in black ink, appearing to read "Jay W. Brown", written over a horizontal line.

Jay Ward Brown